

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
PRUDENCIO MADARANG, DEFENDANT-APPELLANT.***G.R. No. L-22295. January 30, 1970*

Ponente: SANCHEZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/968e863b070b/>**SANCHEZ, J.:**

Defendant in this appeal asks this Court to reverse the judgment of the trial court finding him guilty of murder and sentencing him, inter alia to life imprisonment. A plea insistently pressed in appellant's brief and imperatively calling for resolution is that the People's evidence does not meet the constitutional test of proof beyond reasonable doubt.

The night of April 22, 1963 found Jose Abella alone in his house located in Barrio Macalang, Municipality of Dasol, Province of Pangasinan. For his wife, Felicidad Molino, was at a nearby barrio attending a benefit dance. His protegee, 14-year old Eufemio Villanueva, was playing cards in another house. Neighbors were summoned by Jose's cries for help. They saw him in a serious condition with a bullet wound between the anus and the testicles. He was dead before medical help could be summoned. A medico-legal necropsy report filed by Dr. Elpidio M. Licalalde, Municipal Health Officer of Infanta, Pangasinan, described the wound as a "penetrating wound admitting the tip of the forefinger at the right aspect of the scrotum partly hitting the right testicle, comminuted fracture of the anterior ramus of the pelvic bone, right side; massive hemoperitoneum, one and one-half (1 1/2) liters to two (2) liters; perforations of the small intestines, x x x no gun powder burns." Cause of death, so Dr. Licalalde reported, was "shock due to massive internal hemorrhage." A slug was located at the antero-inferior aspect of the right kidney. It was not, however, produced in court; it was lost. By April 23, the manhunt was on. Investigations were conducted. It was only on May 28, 1963 that criminal prosecution was started with a complaint for murder against defendant filed by PC Sgt. Pablo Jimenez.

1. The People's case was built upon evidence following:

Ricardo Villanueva. The People would want to show, by the testimony of this witness, that on the night in question, he went out fishing; that on his return, he passed by the fence at the gate of the house of the deceased Jose Abella; that at a distance of thirty meters, he noticed Prudencio Madarang and Leoncio Madarang, brothers, the former peeping into the Abella home, with the latter looking around; that to observe them he hid under a camarin some seven meters from where Prudencio stood; that Prudencio moved apart the outer wall of the house made of coconut leaves, inserted a short gun and fired a shot inside; that together, the brothers Prudencio and Leoncio Madarang ran, and that he, too, took to his heels in fright.

The story given by this witness would have meant much for the People's case were it believable. But is it?

Ricardo Villanueva, who used to live in the house of the deceased Jose Abella, is the father of 14-year old Eufemio Villanueva heretofore mentioned, who, at the time of the incident here involved, was living with the said Jose Abella and his wife. Right from the start, Ricardo Villanueva was one of the suspects. Shortly after the ninth day of prayer, he was investigated by the Constabulary. It was then that he told the Constabulary that he knew

nothing about Jose Abella's murder. He gave as reason that at the time of the commission thereof, he was in the hills some four kilometers away from the scene. But then, in the following July, when he was called upon by the Fiscal to shed light on the case, he testified that he really was present at the commission of the offense as he had heretofore described. There is, however, the disquieting note that he admitted to the Fiscal having told the Constabulary that he had no knowledge of the crime.

Interesting it is to note that by his own admission, what he allegedly witnessed that evening he kept to himself. He breathed not a word; not to his wife, not to his neighbors, not even to the widow of the deceased. He made one exception. He related the incident to Pedro Abella, uncle of the deceased Jose Abella, in July. Pedro Abella, the record discloses, was the moving spirit behind the prosecution of appellant and who engaged the services of a private prosecutor. This explains why witness Ricardo Villanueva was belatedly included in the list of witnesses enumerated in the information before the Court of First Instance.

It is no wonder then that the lower court rejected Villanueva as unbelievable.[1] For, indeed, he does not play it straight with truth.

Anselmo Villaruz. This witness, as is Ricardo Villanueva, does not appear as such in the criminal complaint. Neither is he listed in the information. He was described in the record as a surprise witness.[2] For, during the several investigations conducted to ferret out the killer, the name of this witness was never mentioned. He declared that about 7:00 o'clock in the evening of April 22, 1963, he boarded a Pantranco bus in Eguia, bound for Bayambang(Municipality of Infanta), which was four kilometers away, to attend a prayer. Upon returning home some three hours afterwards, and reaching a crossing, he defecated at the edge of the road. It was then that he heard a gun report coming from the west where the house of Jose Abella was, about three hundred meters away from him. After the gunfire, he saw the accused Prudencio Madarang and his brother Leoncio Madarang running towards the east. He was three meters more or less from them when he recognized them. Subsequently, he went home.

Witness Villaruz lived in another barrio, namely, barrio Eguia, in the same municipality of Dasol, Pangasinan. He admitted that he used to go to the house of the deceased Jose Abella and that he knew the accused Prudencio Madarang since childhood. Strangely enough, he told the court that he first learned of the death of Jose Abella only in July 1963, when he went to the house of Pedro Abella who told him to see Atty. Aquino, the private prosecutor in this case. This is rather odd. News of murder, like the one under consideration, spreads among barrio folks like wildfire. As with the other witness, Ricardo Villanueva, Anselmo Villaruz never communicated to anyone what he claimed he heard and saw that night of the murder until he revealed the same to Pedro Abella. Anyway, the most that can be inferred from the evidence produced by Anselmo Villaruz is that, if true, defendant and his brother Leoncio were placed near the scene of the crime under suspicious circumstances. This belated revelation and a similar version as belatedly given by the other witness Ricardo Villanueva must have accounted for the fact that Leoncio Madarang was not and never was included in the crim-inal charge with his brother, defendant Prudencio Madarang.

Not a credible witness, Anselmo Villaruz should be knocked off as a prop to the case for the prosecution.

2. But the prosecution did not stop with the two witnesses just mentioned. A number of other witnesses were brought to court in an effort to weave a tight web of circumstantial evidence on which apparently is pinned the hope that appellant should not escape unpunished.

The first was that testified to by Crisostomo Molino, brother-in-law of the deceased. His version was that defendant wanted to bury the deceased with the clothes used at the time of death. To which said witness objected. Molino suggested that the accused seek the help of the PC and the NBI. According to Molino, defendant waved

this off with the statement that it was difficult to do so. Then Molino came up with the testimony that the accused told him to stop looking for the killer of Jose Abella, otherwise his (Molino's) life would be in danger. The fact, however, is that it was this witness himself who brought the clothes used by the deceased consisting of a shirt, underwear, a pair of pants, blanket and a bag to the municipal building. His version was contradicted by defendant. Molino, so defendant claims, could not have been without motive in declaring against him. Because one carabao in the care of Molino was transferred to defendant by the latter's deceased father-in-law.

Then came Pedro Alpena. Abella gave in court the story that during the burial on April 24, 1963, it was suggested that the body of the deceased be turned face downward. For, superstition had it that if the killer were a stranger, the latter would not be able to get away and could easily be identified. The accused, a high school graduate, was credited with having objected to this and having stated that those who wanted could do so if they did not pity him (the accused). This was done, and allegedly the accused fainted.

A third circumstance happened on the 23rd of May 1963. This was testified to by Ambrosio Ramirez and Venancio Mirador. The wife of Ambrosio Ramirez and the wife of Pedro Abella heretofore mentioned were sisters. Venancio Mirador, upon the other hand, was an uncle of the deceased Jose Abella, although the accused was a nephew of Mirador's wife. Ramirez declared that on May 23, 1963, he dropped in at the house of Venancio Mirador to borrow lead for catching fish. The accused was talking to Mirador and he remembered the accused make the following statement: "If it is possible Manong I would surrender so that my younger brother and my mother-in-law will not be included." To which Venancio Mirador answered: "If you do not like your brother and mother-in-law to be included you better surrender yourself. It was then Ambrosio's turn to tell the accused in this wise: "If you will surrender you surrender now and I will accompany you." The accused replied: "Yes, I will do Manong but I have no gun with which to surrender. If possible you go and look for a gun which is cal. 32. I will buy it or change it with palay or rooster." Venancio Mirador and Ambrosio Ramirez went out ostensibly to look for a gun. After about two hours, the two returned empty-handed. Ambrosio Ramirez prodded defendant to surrender. But Prudencio Madarang replied: "You wait first I am going to consult my lawyer." Ambrosio Ramirez told the accused as follows: "That could be done but you must return." On May 26, Ambrosio Ramirez returned to the house of Prudencio Madarang to inquire about the result of his mission in Manila. And the reply of Prudencio Madarang was that his lawyer, Marceliano Urbano, warned him that he would just be hanging himself if he did so; and forthwith he offered to settle the case amicably.

The foregoing version was confirmed by Venancio Mirador.

Continuing, Ambrosio Ramirez told the court that in June of the same year, he was sent for by the accused who was then in the municipal jail of Dasol. The latter requested him not to testify, in this case, to which he allegedly declined. Coincidentally, Venancio Mirador also testified that on June 23, 1963, he was fetched by the wife of the accused. Taken to the municipal building, witness was there requested by defendant not to testify against him. Defendant added that the evidence was weak and that he would fight the case. Receiving a negative answer, the accused was reported to have stated that the witness should pity him.

All the imputations heretofore related were vehemently denied by defendant. None of the witnesses for the prosecution heretofore related ever mentioned the fact that defendant admitted directly having committed the crime of murder against his father-in-law. In fact, Ambrosio Ramirez declared that the accused did not admit having killed Jose Abella, and that said accused merely desired to surrender because he was under suspicion. The transcript of the testimony of Ambrosio Ramirez on cross-examination on this point reads -

"Q The fact is, Prudencio Madarang, did not admit to you that he killed Jose Abella?

A No, sir he only told me that he wanted to surrender, sir.

Q And up to now, Mr. Witness, you do not know the reason why Prudencio Madarang ever said why he wanted to surrender?

A I know, sir.

COURT:

Q What is the reason why he wanted to surrender?

A Since he is under suspicion, he wanted to surrender himself so that his younger brother and his mother-in-law will not be included, sir."^[3]

It will be recalled that the version given by the People's witnesses as to the offer of surrender was qualified with the statement, "If it is possible". This could be indicative of the fact that defendant was not sure whether or not he should surrender. It could not be logically assumed that he definitely was the author of the crime. Not escaping attention is the statement witness Ramirez attributed to defendant that the latter demurred to giving himself up because he (defendant) had no gun to surrender, suggested that Ramirez and the other witness (Venancio Mirador) look for one, and even offered to pay for it with money or palay or rooster. Serious doubt is at once created as to whether such unusual statement could have come from the lips of defendant. And, if he did, this statement could mean that really defendant was not the author of the crime. It would have been an easy matter for him to say that he could not surrender any weapon because he had thrown it away. Or, that he would try to look for the lethal weapon - if he really did kill Abella with a gun.

Another thing is that Venancio Mirador, in his testimony on rebuttal, betrayed an utter lack of veracity. His testimony which follows is quite revealing:

"Q Have you ever been a witness before in any Court?

A Not yet, sir.

Q You mean to say, this is the first time that you appear before a court of justice to testify?

A There was once, sir, but I was told of declaring which is not true, that is why, we lost. That time I was forced to declare that we did not go inside the fence but, in fact, we went inside, so, we lost."^[4]

The foregoing circumstantial evidence sums up the case for the People.

No sufficient motive there was for the son-in-law to murder his father-in-law. The best that could be offered was that related in court by Pedro Abella. He declared that in February 1963, the two quarreled while Jose Abella was threshing his palay. After this, Prudencio wanted to take over the threshing. It was then when "Jose Abella placed the nylon over the palay threshed but when Prudencio Madarang had his turn, he wanted to take the nylon to cover his palay threshed but Jose Abella did not like it."^[5] Even then, the same witness, Pedro Abella, told the court that defendant and deceased were thereafter in good terms again -

"Q And after that quarrel, Prudencio Madarang and your nephew, the deceased Jose Abella, were in good terms and you know that, is it not?

A Yes, sir when I am present they are in good terms but I do not know if I am out of their presence, sir.

Q But since that time you never heard of any quarrel between Prudencio Madarang and Jose Abella?

A I do not know of any personal encounter between or by them but one time Jose Abella scolded Prudencio Madarang, sir.

Q And that scolding was sometime in February, 1963?

A That scolding was earlier if I am not mistaken that was November or December, sir, before their personal encounter." [6]

It is at this point that we are reminded that circumstantial evidence is sufficient for conviction if: "(a) there is more than one circumstance; (b) the facts from which the inferences are derived are proven; and (c) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt." [7]

Directing our attention to the third requisite, we find it difficult to bring ourselves to a conviction that the State has proven the guilt of appellant beyond reasonable doubt. Even on the assumption that the statements attributed to appellant were true, such evidence does not rise above the level of mere conjecture or suspicion of guilt. We pause and hesitate to declare a forfeiture of defendant's liberty. His liability has not been satisfactorily shown. His innocence could be doubted, it is true. But this does not exclude another or others as the author or authors of the crime. Worthwhile it is to recall that in order that circumstantial evidence may bring about conviction, all the circumstances must be consistent with the hypothesis that the accused is guilty and at the same time inconsistent with the hypothesis that he is innocent. [8] Pertinent, too, is a reaffirmation of the other precept that when inculpatory facts aid circumstances are capable of two explanations, one consistent with innocence and the other with guilt, such evidence would not meet the test of moral certainty and would not support conviction. [9] Given the moral twilight between guilt and innocence, our duty is plain: acquit.

With the conclusion just reached, we need not look into defendant's alibi - that since April 20, 1963 he was out peddling 39 crates of mangoes and did not return until the 23rd of April - to shore up his claim of innocence. The reason being that in a criminal prosecution, the People must rely on the strength of its own evidence, not on the weakness of the defense.

For the reasons given, the judgment under review is hereby reversed, and defendant-appellant Prudencio Madarang is hereby acquitted.

Costs de officio.

SO ORDERED.

Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Castro, Fernando, and Teehankee, JJ., concur.
Concepcion, C.J., and Barredo, J., concurs in the result.

[1] Appellant's brief, p. 68.

[2] Tr., Estrada, September 26, 1963, p. 34.

[3] Tr., Estrada, September 9, 1963, pp. 20-21; emphasis supplied.

[4] Tr., Vinluan, October 30, 1963, pp. 89-90.

[5] Tr., Estrada, September 25, 1963, p. 12.

[6] Id., p. 17.

[7] Section 5, Rule 133, Rules of Court.

[8] *People vs. Ludday*, 61 Phil. 216, 221.

[9] 6 Moran, *Comments on the miles of Court*, 1963 ed., p. 163, citing *People vs. Pacana*, 47 Phil. 48 and *People vs. Abana*, 76 Phil. 1.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.